IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No. 1515 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25-08-2004 in W.P.No.15148 of 2004 on the file of the High Court.)

Between:

Sri Durgalamma Polamamba Ammavari Temple,

rep. by its Manager, B.V.S. Maheshwara Rao,
S/o. Satyanarayana, Sangivalasa Village, Bheemunipatnam Mandal,
Visakhapatnam District.

..... APPELLANT

AND

1 The Competent Authority & Special Deputy Collector (LA) NH-5, Visakhapatnam.
2 The Project Director, PIU, National Highway Authority of India, Visakhapatnam.
3 The Asst. Commissioner, Endowments Department, Visakhapatnam.

.....RESPONDENTS.

Counsel for the Appellant: Ms.M.VIDYAVATHI

Counsel for Respondent Nos.1 & 2: G.P. FOR LAND ACQUISITION

Counsel for Respondent No.3 : G.P. FOR ENDOWMENTS.

The Court at the admission stage made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

Having heard the learned counsel for the petitioner-appellant, we find no substance in the writ appeal which arises out of an order passed by the learned single Judge disposing of the writ petition and thereby granting some indulgence in favour of the petitioner-appellant that first respondent shall defer the steps for removing the idols for a period of six weeks to enable the petitioner-appellant to shift the idols to an alternative site.

Insofar as the question of payment of compensation is concerned, the dispute is amongst the petitioner-appellant and one Akramani Appala Naidu, S/o.Peda Totayya, who under award dated 15-7-2002, was awarded and paid the amount of compensation for acquisition of the land over which the temple is existing. Compensation amount having been assessed and paid for the land acquired, there is no reason why the petitioner-appellant should not remove the idols from the temple on the pretext that the appellant has no knowledge of the acquisition proceedings or that amount of compensation was paid to another person. From the documents placed on record, it cannot be said that the appellant was not aware of the acquisition proceedings. As a matter of fact, the appellant had addressed a letter before the award was passed for paying the compensation which is reflected in letter dated 28-4-2002 addressed by Assistant Commissioner, Endowment Department, Visakhapatnam to Special Deputy Collector, Land Acquisition. Therefore, learned single Judge was justified in disposing of the writ petition granting only relief that for a period of six weeks the respondents shall defer further proceedings for removing the idols.

Finding no substance, we dismiss the writ appeal. However, in the interest of justice, we grant four weeks further time from the date of expiry of period fixed by the learned single Judge. No costs.

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DEVINDER GUPTA, C.J.

1st October 2004.

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C.V.RAMULU, J.

ARS

Note: CC by 4-10-2004.

(BO)

To

1 The Competent Authority & Special Deputy Collector (LA) NH-5, Visakhapatnam.
2 The Project Director, PIU, National Highway Authority of India, Visakhapatnam.
3 The Asst. Commissioner, Endowments Department, Visakhapatnam.

4 Two C.Cs to Govt. Pleader for Land Acquisition, High Court Bldgs.,

Hyderabad (OUT).

5 Two C.D. copies.